

REMARKS

In the outstanding official action, claim 7 was deemed to be allowable if placed in independent form, while claims 1-6 and 8-13 were rejected under 35 USC 103(a) as being unpatentable over Onuki et al, for the reasons of record. It was noted in the Action that Applicant's arguments with respect to the prior §102 rejection of the claims as being anticipated by Onuki were found persuasive and therefore the anticipation rejection has been withdrawn. However, the claims now stand rejected as obvious over Onuki in view of a different interpretation of this previously-applied reference.

In response, it is respectfully submitted that the currently-pending claims are clearly not rendered obvious over Onuki, for the reasons detailed below. Accordingly, allowable claim 7 has not been placed in independent form, pending a final determination of the patentability of the remaining claims.

With respect to independent claims 1 and 9, while it is admitted in the Action that Onuki fails to explicitly teach three expressly-recited limitations that define the essence of the instant invention, it is nevertheless suggested that since Onuki teaches the use of a CPU and control feedback loops, it would have been obvious to produce a controllable optical lens system wherein electrical parameters are monitored and adjusted to provide proper focus of the lens system.

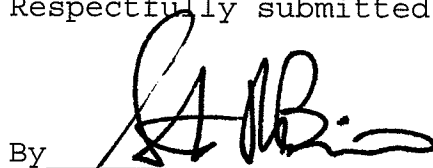
In response, this interpretation of the reference is respectfully traversed, as it is submitted that the mere presence of a CPU and control feedback loops, each of which can be used for a multitude of purposes, neither shows nor suggests the particular and precisely-recited structure and method of independent claims 1 and 9. The mere presence of a CPU and control feedback loops is respectfully submitted to neither show nor suggest the specific elements of the instant invention, namely means for monitoring the current supplied by the power source over time and deriving the charge supplied; means for monitoring the voltage on one of the electrode arrangement; and means for deriving from a desired lens power a value for controlling the total charge to be supplied to the electrode arrangement. Such a structure, and the corresponding method as recited in independent claim 9, offer an important commercial advantage in that these elements provide a mechanism for controlling and maintaining the desired lens shape, in a cost effective way, and in a way which is independent of contamination of the liquids, as clearly detailed on page 2 of the instant specification.

Since the two cited elements of Onuki (a CPU and control feedback loops) are each very general system elements capable of a multitude of purposes, the presence of both of these elements, without more, could lead to a vast multitude of possible functional

combinations, thus requiring impermissible undue experimentation to arrive at the instant invention. Furthermore, without a clear understanding of the problem to be solved, there is no apparent reason absent the benefit of impermissible hindsight to suggest that these multi-purposes general elements might be employed in the manner recited in the instant application. Put another way, what is being suggested in the Action is that the mere presence of a CPU and control feedback loops, without more, would render obvious virtually any specific use of these components, and that is clearly not the case.

In view of the foregoing, it is respectfully submitted that the currently-pending claims are clearly patentably distinguishable over the cited and applied reference. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "S. R. Biren", is written over a horizontal line.

By
Steven R. Biren, Reg. 26,531
Attorney
(914) 333-9630